

REMARKS

The present application relates to hybrid maize plant and seed 39J26. Claims 68-82 have been canceled. Claims 5-62 were previously canceled in the Supplemental Amendment of September 25, 2003 and claims 9-19, 21-32 and 34-41 were previously canceled in the Amendment submitted on May 6, 2003. Claims 1, 84, 85, 89 and 90 have now been amended. No new matter has been added by the present amendment. Applicants respectfully request consideration of the following remarks.

Detailed Action

A. Status of the Application

Applicants acknowledge those rejections not specifically addresses in the present Office Action as withdrawn in view of Applicant's amendments and/or arguments.

B. Election/Restrictions

The Examiner states that newly submitted claims 68-92 and 84-90 are directed to an invention that is independent or distinct from the invention originally claimed. The Examiner further states Group I, claims 1-4, 63-67, 83 and 91 are directed to hybrid maize line 39J26, and methods of using said hybrid maize line, classified in class 800, subclass 320.1. The Examiner states Group II, claims 68-82 and 84-90 are directed to methods of transforming or introgressing a trait into inbred maize lines GE515243 and GE515344 and products produced from said methods, classified in class 800, subclass 266. The Examiner states that a complete reply to the Final Rejection must include cancellation of nonelected claims or other appropriate action (37 C.F.R. § 1.144). See MPEP § 821.01.

Applicants respectfully submit that the election of Group I, claims 1-4, 63-67, 83 and 91, is made with traverse. Applicants further submit that claims 68-82 have been canceled. However, claims 84-90 remain in this Amendment After Final at the request of Supervisory Patent Examiner Amy Nelson and puts the claims in form for allowance as suggested by Supervisory Patent Examiner Amy Nelson on November 7, 2003.

Summary

Applicants acknowledge that claims 1-4, 63-67, 83 and 91 are allowed.

Applicants further acknowledge that claims 84-90 have been agreed upon as allowable by Supervisory Patent Examiner Amy Nelson as aforementioned, thereby placing these claims in form for allowance. Applicants have canceled all non-allowable claims thereby placing the application in condition for allowance and have complied with all requirements of form set forth in previous office actions.

Conclusion

In conclusion, Applicants submit in light of the above amendments and remarks, the claims as amended are in a condition for allowance, and reconsideration is respectfully requested. If it is felt that it would aid in prosecution, the Examiner is invited to contact the undersigned at the number indicated to discuss any outstanding issues.

No fees or extensions of time are believed to be due in connection with this amendment; however, consider this a request for any extension inadvertently omitted, and charge any additional fees to Deposit Account No. 26-0084.

Reconsideration and allowance is respectfully requested.

Respectfully submitted,



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